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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF ALABAMA

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

UNITED STATES OF AMERICA,
Plaintiff,

*

v.

Frances Williams
Defendant.

*

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2:93-cr-310-7-T

CV:2:05cv735-T

OBJECTIONS TO THE PRE-SENTENCE REPORT

COMES NOW the Defendant, Frances Williams, Pro se files her written objection to the Pre-Sentence Investigation Report pursuant to F.R.Cr.P. 32(f).

Frances Williams went to trial for possession with the intent to distribute cocaine and cocaine base in violation of 21 U.S.C. §841(a)(1) and §846.

The Defendant objects to the two-level increase contained in paragraph 12 of the Pre-Sentence Report under Specific Offense Characteristics for the possession of firearms by Delacy Caldwell. There was no reasonable expectation or foreseeability that the Defendant would have known about the firearms and should therefore not be held responsible for the possession. Further, the Supreme Court recently held that a defendant's maximum sentence must be based solely on the basis of the facts reflected in a jury verdict or admitted by the defendant. See Blakely v. Washington, 124 S.Ct., 2531. The Defendant never admitted any facts relating to any firearms which may have been used or possessed by any co-conspirators, nor has this been proven by a jury; thus the two-level increase should be removed.

Under the Federal Sentencing Guidelines, an offense level of 34 combined with a Criminal History Category of III mandates a range of 188-235 months of Imprisonment. These are the proper guideline provisions for this Defendant.

Wherefore, the Defendant moves this Court to accept her objections to the Pre-Sentence Report and adjust her Pre-Sentence Guidelines accordingly.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true and correct copy of the foregoing Motion to Objection to the pre-sentence Report was mailed on this 13th day of December, 2004, by regular mail, postage prepaid to: United States Attorney's Office Terry F. Moorer, AUSA, P.O. Box 197, Montgomery, Alabama, 36101-0197; United

Respectfully submitted,

Frances Williams

Frances Williams
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